

REMARKS**Introduction**

This is an amendment accompanying a request for an RCE under 37 CFR 1.114. Claims 1-106 have been canceled without prejudice or disclaimer. Applicants reserve the right to file one or more continuation or divisional applications directed to the subject matter of claims 1-106 as well as any other unclaimed subject matter.

New claims 107-116 have been added. Support for the new claims can be found throughout the original specification, for example by compounds 1 through 10, found on pages 4 through 7. No new matter has been added. Entry of the amendment and favorable reconsideration of the application are earnestly solicited.

The Interview

Applicants gratefully acknowledge the courtesies extended to their Representatives during an interview conducted recently. The content of the interview is accurately reflected on the Interview Summary Record.

112 Rejections

Applicant respectfully submits that new claims 107 through 116 fully comply with the requirement under 35 U.S.C. §112, first paragraph as well as the requirements under 35 U.S.C. §112, second paragraph. New claims 107-116 are directed to chemical compounds *per se*. During the interview, the Examiners suggested that such claims could be properly submitted in connection with an RCE and this recommendation has been accepted by Applicants.

As such, the instant rejections based on 112 are now believed to be without basis and accordingly are moot. The Examiner is respectfully requested to reconsider and withdraw the outstanding rejections based on 112.

The Double Patenting Rejection

The prior claims were subject to a nonstatutory double patenting rejection over certain claims of U.S. Patent No. 7,071,355. Although a similar rejection has not been asserted with regard to the newly submitted claims, a terminal disclaimer is being offered concurrently with this response in the event the Examiner assesses that the new claims would also be subject to double patenting over the '355 patent. Applicant makes no admission here as to whether such a rejection would be properly asserted.

Conclusion

This application is believed to be in condition for allowance. Applicant submits herewith the fee of \$790 for the Request for Continued Examination. If any additional fee is deemed necessary, please charge deposit account no. 11-0553 under order number 2903602.9, from which the undersigned is authorized to draw.

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Respectfully submitted,

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